

PROB 12C
(6/16)

Report Date: February 24, 2022

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Feb 24, 2022

SEAN F. McAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Javier Vargas Contreras

Case Number: 0980 2:16CR00204-RMP-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U.S. District Judge

Date of Original Sentence: February 15, 2018

Original Offense: Distribution of a Mixture and Substance Containing a Detectable Amount of
Methamphetamine, 21 U.S.C. § 841(a)(1),(b)(1)(C)Original Sentence: Prison - 48 months Type of Supervision: Supervised Release
TSR - 60 months

Asst. U.S. Attorney: Richard R. Barker Date Supervision Commenced: August 26, 2020

Defense Attorney: Federal Defenders Office Date Supervision Expires: August 25, 2025

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violation previously reported to the Court on 2/10/2022.

The probation officer believes that the offender has violated the following condition of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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2	<u>Special Condition #4:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: Mr. Contreras is alleged to have violated his supervised release conditions by consuming a controlled substance, amphetamine/methamphetamine, on or before February 10, 2022.

Per COVID-19 procedures, Mr. Contreras' supervised release conditions were verbally reviewed with him on August 26, 2020. He verbally acknowledged an understanding of his conditions, which includes special condition number 4, as noted above.

On February 10, 2022, Mr. Contreras reported to Social Treatment Opportunity Programs (STOP) and provided a urinalysis (UA) sample, which returned presumptive positive for amphetamine/methamphetamine. Mr. Contreras signed an admission/denial form at STOP

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denying the use of the controlled substance. The sample was sent to Alere Toxicology Services, Incorporated (Alere) for confirmation. On February 19, 2022, Alere reported Mr. Contreras' UA sample was confirmed positive for the presence of amphetamine/methamphetamine.

- 3 **Standard Condition #13:** You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: Mr. Contreras is alleged to have violated his conditions of supervised release by failing to follow his probation officer's instructions on February 21, 2022.

Per COVID-19 procedures, Mr. Contreras' supervised release conditions were verbally reviewed with him on August 26, 2020. He verbally acknowledged an understanding of his conditions, which includes standard condition number 13, as noted above.

On February 18, 2022, the U.S. Probation Office received an electronic mail (email) correspondence from STOP reporting Mr. Contreras failed to report for a UA on February 17, 2022. Mr. Contreras expressed to this officer he called the federal colorline program at 8:30 a.m. and his color was not called. Additionally, Mr. Contreras expressed to this officer that his son's COVID-19 test results returned negative on the evening of February 17, 2022. During this same telephonic conversation, this officer instructed Mr. Contreras to report for a UA at STOP on February 21, 2022. Additionally, this officer sent Mr. Contreras a text message confirming he was to report to STOP on February 21, 2022, for a UA.

On February 22, 2022, Mr. Contreras made telephonic contact with this officer and reported he was on his way to provide a UA at STOP as instructed by this officer on February 18, 2022. Mr. Contreras expressed he forgot he was given directives to report to STOP on February 21, 2022, but would be providing the sample on this date. On this same date, Mr. Contreras called this officer once again and expressed he did not have the financial means to drive to Moses Lake, Washington, to provide a urine sample and agreed to meet in person with this officer later that same date. On this same date, STOP expressed to this officer that Mr. Contreras did not report as directed for his UA on February 21, 2022, nor did he make contact with their office. STOP added all federal colorline program participants are informed to check the colorline automated system daily after 9 a.m.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violation previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 24, 2022

s/Araceli Mendoza

Araceli Mendoza
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

2/24/2022

Date